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MEDTRONIC VASCULAR, INC.
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3576 UNOCAL PLACE
SANTA ROSA CA 95403

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MAR 23 2007

OFFICE OF PETITIONS

In re Application of
Fitzhugh et al.
Application No. 10/623,239
Filed: 07-17-2003
Attorney Docket No. PA497 DIV1

DECISION ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed July 17, 2003.

In accordance with 37 CFR 1.63(d)(3), applicants have submitted a copy of the executed declaration submitted in Application No. 09/972,219, filed October 4, 2001, of which the present filing is a divisional application. The petition was not accompanied by a copy of the decision granting the petition under 37 CFR 1.47(a) in the prior application. However, in order to expedite processing of this application, a copy of the decision mailed on October 4, 2002, granting Rule 1.47(a) status in the prior application has been made and placed in the present application.

As Rule 1.47(a) status was granted in the prior application, this application is hereby accorded Rule 1.47(a) status. As no petition is necessary to accord Rule 1.47(a) status in this application, the petition is dismissed as moot. No petition fee is necessary.

Pursuant to 37 CFR 1.47(c), the Office is dispensing with the notice provision in the present application because notice was provided after the grant of Rule 1.47(a) status in the prior application.

The matter is being referred to the Office of Patent Publications for issuance of a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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Paper No. 8

CHRISTINE ACEVES
MEDTRONIC AVE
3576 UNOCAL PLACE
SANTA ROSA, CA 95403

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OCT 04 2002

OFFICE OF PETITIONS

In re Application of
Anthony L. Fitzhugh et al
Application No. 09/972,219
Filed: October 4, 2001
For: HIGHLY CROSS-LINKED,
EXTREMELY HYDROPHOBIC NITRIC
OXIDE-RELEASING POLYMERS AND
METHODS FOR THEIR MANUFACTURE
AND USE

: DECISION GRANTING
: STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed July 16, 2002.

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to Irvin Dingle at (703) 306-5684.

This application is being forwarded to Technology Center 1600.

Frances Hicks
Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 2023
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ANTHONY L. FITZHUGH, M.D.
2117 INDEPENDENCE ST.
FREDERICK, MD 21702

In re Application of
Anthony L. Fitzhugh; Robert Cafferata; Larry K. Keefer
Application No. 09/972,219
Filed: October 4, 2001
For: HIGHLY CROSS-LINKED, EXTREMELY HYDROPHOBIC NITRIC OXIDE-
RELEASING POLYMERS AND METHODS FOR THEIR MANUFACTURE AND USE

COPY MAILED

OCT 04 2002

OFFICE OF PETITIONS

Dear Mr. Fitzhugh:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (703) 306-5684. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

Frances Hicks
Frances Hicks

Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Christine Aceves
Medtronic Ave
3576 Unocal Place
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